

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	Criminal No. 05-30042-MLW
v.	)	
	)	
CESAR CRUZ et al,	)	
Defendant	)	

**DEFENDANTS' NOTICE PURSUANT TO FEDERAL RULES OF EVIDENCE 404(b)**  
**OF HIS INTENTION TO USE PRIOR BAD ACTS OF THE**  
**GOVERNMENT'S COOPERATING WITNESS, JULIAN RIOS**

Now come the Defendants in the above-referenced matter and notify the Government of their intention to use the following prior bad acts of its cooperating witness, Julian Rios, at trial in the matter pursuant to FRE 404(b):

1. On a return trip from Hartford, Connecticut in 1996 involving a drug transaction, Mr. Rios stopped by his sister's house where he saw that she had been beaten by her boyfriend. Rios waited for her boyfriend to arrive, then shot him twice (the boyfriend survived). Nick, a cousin of the victim, notified the local police and Rios was arrested. Subsequently, Rios found Nick and tried to shoot him as well, however, the gun jammed.
2. At some time during 1996, Rios got into a fight in a bar during which he stabbed his opponent.

Respectfully submitted,  
THE DEFENDANT  
RICARDO DIAZ

THE DEFENDANT  
CESAR CRUZ

/s/ Terry Scott Nagel, Esq.

By His Attorney  
Terry Scott Nagel, Esq.  
BBO# 366430  
95 State Street, Suite 918  
Springfield, MA 01103  
Tel: (413) 731-8811  
Fax: (413) 731-6641

/s/ Joseph A. Franco, Esq.

By His Attorney  
Joseph A. Franco, Esq.  
BBO# 543038  
51 Park Avenue, Suite 7  
West Springfield, MA 01089  
Tel: (413) 737-2675  
Fax: (413) 747-1721

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 19, 2006.

/s/ Joseph A. Franco, Esq.